

### REMARKS

In the outstanding final Official Action, claims 3, 5, 10, 12, 17 and 19 were deemed to be allowable if placed in independent form, while the remaining claims stand finally rejected as being anticipated by or unpatentable over Cherry et al, for the reasons detailed in the action.

In response, and in order to place the instant application in condition for allowance or in better form for consideration on appeal, independent claims 1, 8 and 15 are herewith amended in order to more clearly and precisely recite the novel and unobvious features of the instant invention, and it is respectfully submitted that all of the currently-pending claims, as herein amended, are now clearly patentably distinguishable over the cited and applied reference for the reasons detailed below.

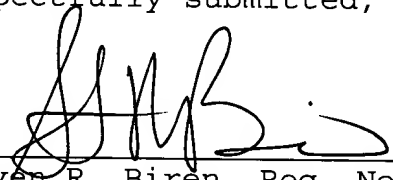
More particularly, the independent device claims have been amended to add the limitation that an output of the sampling mechanism is coupled to a signal analysis unit to determine a highest spatial frequency within the image content, with an analogous method limitation being added to the independent method claim. It is respectfully submitted that this additional limitation (as fully disclosed, *iter alia*, on page 10 of the instant specification) more clearly and particularly distinguishes the instant invention over the reference.

In the outstand final official action, with regard to Applicant's argument that the variable sampling rate is selectable over a continuous range as a function of the highest spatial frequency within the image content, it was suggested that the disclosure of Cherry, and in particular column 4, lines 12-19 and column 4, lines 73 to column 5, line 7, suggest that the variable sampling rate in Cherry is selectable over a continuous range as a function of the highest spatial frequency within the image content. Applicants respectfully traverse this position, as it is believed that both the cited portions of Cherry as well as the remainder of the disclosure in column 4 thereof, do not support this proposition. Rather, Cherry clearly states that either a single sampling rate or a "small number" of different sampling rates, such as two alternative slower rates, are provided. In fact, the portion of the specification cited in the Action spanning columns 4 and 5 discusses two different rates with other portions of the disclosures stating that three sample rates are possible.

These teachings are clearly distinguishable from the structure and method of the instant invention as now more precisely claimed, wherein a variable sampling rate is selectable over a continuous range as a function of the highest spatial frequency within the image content. In view of the foregoing amendments and remarks, it is respectfully submitted that the currently-pending claims as

herein amended to more particularly and precisely recite the distinguishing features of the present invention, are clearly patentably distinguishable over the cited and applied reference. Accordingly, the allowable claims have not been placed in independent form at this time and it is respectfully requested that entry of this amendment, reconsideration of the rejections of the claims over the reference cited, and allowance of this application be granted at this time. Favorable consideration is earnestly solicited.

Respectfully submitted,

By   
Steven R. Biren, Reg. No. 26,531  
Attorney  
(914) 333-9630

**CERTIFICATE OF MAILING**

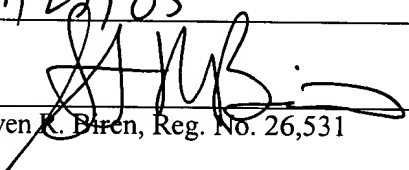
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By   
Steven R. Biren, Reg. No. 26,531